



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mc Clain

Serial No.: 09/578,001

Examiner: Wood, Elizabeth D.

Filed: 05/24/2000

Art Unit: 1755

For: METHOD AND APPARATUS FOR PRODUCING AN AQUEOUS PAINT COMPOSITION FROM A PLURALITY OF PREMIXED COMPOSITIONS

Commissioner of Patents and Trademarks
Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. § 1.132

Dear Sir:

I, Robert M. Smiland, declare the following:

1. I am the CEO of Smiland Paint Company and have been since 1987. Smiland Paint Company was founded in 1965, I began working there in 1978 and became President of Smiland Paint Company in 1981. I have personal and business experience in and knowledge of the paint industry in both manufacturing and retail sales.

2. In addition to developing, testing and manufacturing paint in Smiland's manufacturing plant in Los Angeles, California, Smiland Paint Company holds an ownership in and is actively involved in California Paint Company, which operates a number of retail paint stores throughout California. Smiland Paint company manufactured and sold more than nine (9) million gallons of paint in 1999, and were recently listed by PCI Magazine as the 29th largest paint company in the United States.

3. I and my company have evaluated and used the paint system developed by MicroBlend which includes Daniel McClain's inventions described in the presently pending United States patent application serial number 09/578,001 filed May 24, 2000.

4. Smiland Paint Company was so convinced of the uniqueness and potential of the MicroBlend system that it has placed MicroBlend's system and McClain's invention as the foundation of Smiland Paint Company's marketing program for the future. Additionally, Smiland Paint Company has already included the MicroBlend system and concept into many of the California Paint Company stores and purchased shares of MicroBlend Technologies.

5. The invention by Daniel McClain enables paint stores to manufacture paint having virtually any paint characteristics within a retail paint store and within minutes of a customer request. I am unaware of any other system prior to Daniel McClain's invention which allows a retail paint store to create paint within a retail store. The consistency of quality and paint characteristics compares with the other high quality paints we sell.

6. Years ago, the paint manufacturing and sales industry was significantly changed when color could finally be added to paint in a retail store. From that point on, stores no longer needed to stock each color of paint a customer may want, and customers could select the color of paint they wanted to purchase without worry of whether the needed color would be in stock.

7. Daniel McClain's invention takes the next step which, to the best of my knowledge was not previously available; namely removing the need for retail stores to stock the varieties of paints previously stocked for potential customer demand. Using McClain's system, retail stores can now create paint of various qualities and types having wide combinations of characteristics, from customer selections of those characteristics on-site and within minutes of the customer's selection. I believe the MicroBlend paint system founded upon Daniel McClain's invention will revolutionize the way paint is made and sold.

8. I further declare that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Date: *May 1, 2003*

By:



Robert M. Smiland
CEO, Smiland Paint Company, Inc.